INEC AND THE JUDICIARY AS HARBINGERS OF NIGERIA'S ELECTORAL WOES IN THE CONTEMPORARY SETTING

AN ARTICLE

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Abstract

Preserving the integrity of the electoral process is a hallmark of every democracy. However, Nigeria's electoral process is still marked by controversy, doubts, and institutional decay. This paper is a critical exploration of how two key institutions, the electoral body in the form of the Independent National Electoral Commission (INEC) and the court system, have been the factors that perpetuate electoral challenges in Nigeria. Although both institutions have the mandate of protecting the electoral credibility and justice, there is increasing evidence that they are leading towards the development of democratic instability. The credibility of NEC has been repeatedly brought into question as a result of the frequent breakdown in logistics, the accusations of partisanship, a lack of accountability in tallying, and the management of the voting. Although there have been a lot of reforms and the country has been investing heavily in the elections, the elections in Nigeria are very contentious and often not free of irregularities. Cases of the 2007 and 2015 general elections demonstrate how the commission lacks qualities of structure and the ability to operate. Conversely, the courts, which have long been regarded as the referee in any election dispute, have come under fire because of rulings that seem to reflect a political bent or approach to jurisprudence. Issues like the controversial rulings, e.g. the decision over governorship elections in Imo and Osun States, have cast doubt as to the neutrality and integrity of the judicial system towards the democratic process. This paper follows a documentary and qualitative analysis approach to literature and information on academic articles, the media, court cases, and policy briefs. These findings show that INEC, as well as the judiciary, have caused a distrust in the electoral process in Nigeria in one way or the other.

1. Introduction

The essence of democracy is the idea of credible elections. Elections constitute a crucial instrument whereby the governed people accord a mandate to their leaders and give them political choice. The issue of elections in the post-1999 democratic dispensation in Nigeria has been a battleground and there are growing issues of electoral credibility, transparency, and fairness. Elections even after the constitutional promises and numerous reforms remain substantively seen as imperfect, controversial, and can be very violent. Such failures during elections are not only an indication of despair among political players but also of the inefficiency of such fundamental institutions, especially the Independent National Electoral Commission (INEC) and the judicial system, to fulfill their mandates as prescribed by the constitution (Ebegbulem, 2011; Amaramiro et al., 2019). The electoral umpire who plays a central role in Nigeria's democratic architecture is INEC. It has a mandate to conduct voter registration, monitor party primaries, conduct general elections, and proclaim the results. Nevertheless, there has been a lot of scrutiny on the activities of the commission due to the partisanship, logistical incompetence, voter education, and lack of transparency in the compilation of results. The timing of these lapses has not only discredited elections but they have also caused post-election violence and voter apathy. Allegations of voting manipulation, underage voting, voter manipulation, and electoral technology tampering have turned several electoral cycles, in particular, 2007, 2015, 2019, and 2023, into disasters, indicating the problematic areas of INEC operation (Ismaila & Zaheruddin, 2016; Oyekanmi, 2015).

The judiciary, however, has a constitutional mandate to interpret electoral laws and to dispense election petitions. Ideally, it acts as a check during political crises and an imperative control of executive and electoral extravagances. However, its involvement in the electoral process has turned out to be questionable. Several high-profile rulings by courts in recent years have elicited a great cry by people with many blaming the judiciary for facilitating injustice during elections by making conflicting decisions and also by being influenced politically. Notably, that judgment in governorship elections like that of Imo and Osun States has cast serious doubts on the idea of judicial neutrality, as well as procedural consistency (Okoye, 2013; Adewole, 2019). Moreover, the issue of judicial corruption, biased cases, and weak implementation of justice has made people lose their trust in the judiciary to a great degree. Legal processes have been monetized, and technicalities have also been altered to turn the courtroom into another place where control over political powers can be decided at the expense of the real votes some people cast during an election. Reasonably, the Chief Justice of Nigeria (CJN), has to some extent mourned the portrayal of the judiciary as a department of the executive and cautioned governors against using courts as electoral gadgets (Adewole, 2019). This fact casts doubt over the independence of the judiciary, its ability to act as a neutral counsel in the electoral dispute.

Both INEC and the judiciary have taken the center stage in the electoral process yet they perform, often, not in line with the democratic expectations. The INEC battles with its problems of transparency, professionalism, and independence whereas the judiciary lags in the problems of credibility and corruption. It has been a vicious cycle of challenged elections, protracted judicial tussles, and greater alienation of voters. Consequently, elections in Nigeria have become predisposed to the courts, rather than the voter-resulting in failings against the democratic process and disruption of trust towards electoral results (Oni, 2014; Ugwuja, 2015). The inability of INEC and the judiciary to play their constitutional roles leads to the disappointment of the Nigerian dream of democratic consolidation. A democratic structure is suspect when the very institutions that are needed to ensure that the integrity of the elections is upheld are seen to be partisan, dim-witted, or corruption-ridden. Faith in elections is lost, governments are threatened with becoming unstable, and voter interest is diluted. Thus the quest to set Nigeria free of its electoral misfortunes will demand a cynical look through the institutional behaviours, structural issues, and responsibility lines of both INEC and the court system. This paper places these two institutions at the centre of the recurrent electoral crisis in Nigeria and demands quick reforms in adopting approaches that put integrity and transparency of institutions and their accountability to their citizens (Nwoba & Nwose, 2019; Adeosun, 2014).

1.1 Statement of the Problem

Elections in Nigeria are the object of political instability, social turmoil, and popular disillusionment, even after more than two decades of unbroken democratic governance in the country. Operational failures, voter suppression, violence, and post-election litigation very often accompany the electoral process that compromises the legitimacy of elected officials and democratic consolidation. The two most significant institutions at the heart of this dysfunction have been the Independent National Electoral Commission (INEC) and the judiciary whose operation has been hit and miss, scandalous, and in most cases counterproductive. Administrative incompetence, the manipulation of election results, lack of transparency, and collusions with other political players are some of the accusations leveled against INEC which is statutorily mandated to deliver free and fair elections (Ismaila & Zaheruddin, 2016; Oyekanmi, 2015). Equally, the judiciary that is supposed to adjudicate

political disputes in a supposedly neutral manner has become increasingly perceived as politically compromised, and judicial corruption, conflicting judgments, and interference by influential forces have all also been allegedly on the rise (Adewole, 2019; Okoye, 2013). Such institutional maladies have resulted in a situation where the votes of ordinary people are often cancelled, and the judgments of the judges do not reflect the will of the masses-thus making people question how democratic the system of democracy is. Furthermore, the fact that the INEC and the judiciary are politicized has also contributed to not only the lack of legitimacy of any election but has also increased political polarization/divisiveness and poses a threat to national unity (Ugwuja, 2015; Oni, 2014). These challenges have renewed serious concern about the structural autonomy, moral probity, and accountability of Nigeria's electoral institutions thus the need to review their contributions more critically in defining the electoral fortunes in the country.

1.2 Significance of the Study

The study is important in that it refocuses attention that has been overly placed on the role of political actors to the understudied, yet equally important institutional frameworks, especially INEC and the judiciary that determine electoral outcomes in Nigeria. Although the existing body of research has detailed the pervasiveness of electoral violence, vote buying, and political thuggery, these issues have largely been explored through the prism of vote buying or political thuggery (Amaramiro et al., 2019; Ukpong & Mfon, 2023) as opposed to the institutional inefficiencies within the INEC and judiciary which is a necessary form of inquiry. The paper has examined the role of these two electoral governance bodies in the abrogation of the democratic process in Nigeria due to procedural fraud, the irresponsibility of the electoral management body, and judicial bias. As discussed in the paper, weakened institutions not only provide the avenue for electoral malpractices to occur, but more often, the course of countering them (via selectively applying the rule of law, suppressing opposition that cannot be easily defeated, and subsequent post-electoral adjudication that does not reflect electoral outcomes). The study also makes a contribution to the body of knowledge on democratic consolidation in that it shows the importance of structural reforms to be in place that guarantee institutional autonomy, openness, and accountability (Adeosun, 2014; Ismaila & Othman, 2015). Conclusively, the research results can provide critical guidance to electoral reform groups, policy makers, civil society groups, and development partners who are keen on enhancing democratic institutions in Nigeria as well as ensuring that subsequent elections are in line with the will of the people.

1.3 Research Objectives

This research paper aims to review how INEC and the judiciary have not played the role of enhancing democracy as they are perceived to be, but have rather become epicenters of the major challenge in electoral issues in Nigeria.

The following are specific objectives:

- To examine the activity of INEC in conducting general elections in Nigeria since 1999 and 2023.
- To determine the effect and use of the judiciary in resolving electoral issues and the impact on the results of elections.
- To discuss how the institutional failures affect the trust and consolidation of democracy in Nigeria.

1.4 Methodology Overview

The study takes a qualitative, documentary research approach critically discussing the roles played by INEC and the judiciary in reinforcing the electoral problems in Nigeria. The qualitative method will be especially appropriate in studying institutional behaviours, reading judgments, and examining past trends in elections, since it enables studying both textual and contextual information thoroughly (Creswell, 2007; Ateno, 2009). Scholarly publications, official reports issued by INEC, the judicial decisions in major election cases, media reports, and policy papers are among the sources of data. The analysis will be based on elections held between 1999 and 2023 but with emphasis on cases where the conduct of INEC or pronouncements of the Judiciary made major impacts on the perception of commonly held electoral credibility. This longitudinal and interpretive inquiry potentializes the unraveling of the repetitive institutional vice, the contradictions in the processes of adjudicating the elections, and the emerging dynamics of conformity. The propositions, i.e., concepts like electoral malpractice, inconsistency in the judiciary, and institutional bias are identified by content analysis and processed comparatively by interpretation. Triangulation of perspectives is also possible with the use of multiple authoritative sources the methodology suggests, such as empirical studies (Amaramiro et al., 2019; Ismaila & Zaheruddin, 2016), first-hand observations reported by credible local, and international organizations. Through documentary evidence and critical evaluation, the research provides a logical and evidence-based account of the role of INEC and the judiciary in causing electoral maladies in Nigeria and offers a systematic way of institutional transformation.

2. Conceptual and Theoretical Framework

2.1 Conceptual Clarifications

To provide clarity and precision in this research, some key terms need contextual definition so that they can be used comprehensively: electoral integrity, INEC, judiciary, and electoral malpractice.

Electoral integrity can be simply defined as how well an election process complies with the general democratic principles that are universally accepted as being fair, transparent, inclusive, impartial, and accountable. It involves the whole electoral process: the pre-election activities like voter registration, delineation of boundaries, political parties' primaries, to the intended election day activities: voting, tallying, collation, and transmission of results, and finally the post-election settlement of disputes. Every stage has to be dealt with in a way that can give confidence to the people and in such a way that there is representation of the electorate. The electoral process can be sabotaged through division of any single element in its process; by manipulation, use of force, disenfranchisement, vote purchasing, or by legal decision-making by biased judges, and the integrity of much of the whole outcome is called into question (Vickery & Shein, 2012; Birch, 2009). The destruction of the electoral integrity is no longer periodic but it is institutional in Nigeria and since a high level of institutional precision has failed to pay off there is always a state of distrust towards the electoral process. Elections are often marred with logistical hitches, fear of voters by political rivals, meddling by serving security agencies, and due to legal technicalities even a clear-cut voter choice is cancelled. Such trends have not only discredited the results of elections, but also provoked

disenchantment with society, electoral abstention, and violence, as well as a threat to democratic consolidation (Ukpong & Mfon, 2023). This is why a lack of electoral integrity in Nigeria is one of the fundamental democratic deficits, deteriorating the establishment of a politically accountable system and reducing the degree of confidence of citizens in the effectiveness of their role in democratic processes.

The Independent National Electoral Commission (INEC) is the electoral body in Nigeria which was constitutionally established under Section 153(f) of the 1999 constitution (as amended), whose responsibilities are also defined in the Electoral Act. Other critical roles assigned to INEC are registration of political parties and qualified voters, regulation of political party activities, procurement and deployment of electoral materials, supervision of election officials, and the conduct, supervision, and declaration of national and state-level elections. It is meant to act as such an institution without undue influence and pressure in an attempt to uphold the sanctity and fairness of the electoral process. Nonetheless, in reality, the independence status of INEC has at various occasions been blurred by a series of organizational and political factors. Such factors are inadequate or late funding by the executive, coercion by ruling political parties, and hiring individuals who are seen to have partisan affiliation into critical leadership modalities of INEC (Nwoba & Nwose, 2019; Ismaila & Zaheruddin, 2016). Such concerns have cast a doubt on the impartiality and the credibility of the commission in conducting important elections and where results have been tainted by suspicions of malpractices, collapsed collation procedures as well as a lack of transparent results transmission. Failure by the commission to be independent in its decision despite the political pressure has made many stakeholders look at it not as a neutral umpire, but as an instrument of interest by the powerful political forces to remain in power through the electoral process. By extension, INEC has been accused of bias and ineffective operations thus being the major reason why electoral integrity has been lost and to an extent, the entire democratic system is losing credibility in Nigeria.

Election petition tribunals and the appellate courts are very important in ensuring that there is no form of fraud in the electoral process in Nigeria. Being the ultimate authority in matters of electoral contests, the judiciary is constitutionally mandated to interpret electoral legal provisions, examine the legality of the electoral processes, and determine that electoral results are in line with the constitution and the other legal provisions. Its mandates are to listen to petitions involving malpractice-related laws, eligibility of candidates and rigging of votes, and other anomalies in the conduct or collation of results. Ideally, such a position makes the judiciary a bulwark against the misuse of authority by election bodies and political actors. In modern-day Nigeria, the credibility of the judiciary has become the subject of a lot of debate. Several rulings by the courts in electoral issues have been met with criticisms on the lack of consistency in cases, the selectivity in applying the rule of law, and more so the apparent putting political expediency ahead of the application of justice (Okoye, 2013; Adewole, 2019). This has created a rising sense among the citizenry and political players that the courts make their rulings based on partisan politics or executive influence rather than legal value and the independence of the courts. In addition to this, claims of judicial corruption have tinted the institution with some degree of shadow; these claims have ranged from the manipulation of panel compositions to bribing judges. The consequences are very broad; a biased or compromised judiciary undermines citizens' trust in the whole electoral system and deprives filling parties of any remedy through legal channels. In this respect, the judiciary which is supposed to be the upholder of democratic norms is becoming an accomplice in the process of undermining electoral justice in Nigeria.

Finally, electoral malpractice describes a broad scope of illicit, unethical, and coercive activities and compromises the integrity and credibility of a given electoral process. The malpractices do not end at spending of votes but they cut across the whole electoral process, including voter registration, campaigning, voting, tallying of results, and post-election litigation. The most typical forms are vote buying, stuffing of ballot boxes, intimidation of voters, fabrication of the results; cases of abuse of technologies (use of bimodal voter accreditation system -BVAS), and even technical interference of judges in cases of electoral disputes. In Nigeria, such malpractices have fully settled and over the years have acted as always acted to disrupt the political process. Instead of being the exception, they are most of the time considered as a tactic used by the political candidates to get an unfair edge. Alarmingly, these malefactions are not exclusively perpetrated by hapless politicians or thugs; they are frequently facilitated or even completed by institutional agents tasked with the responsibility of safeguarding electoral integrity including actors of the Independent National Electoral Commission (INEC) and judges (Amaramiro et al., 2019; Olawole et al., 2013). This collaboration between these institutions has legitimized the practice of vote suppression, diluted the system of control, and led to a loss of credibility in democracy. The net result is a crisis of legitimacy whereby the results of elections are being regularly challenged, and political stability is extremely precarious. The systemic malpractices must be addressed to ensure the safety of Nigeria as a democratic nation and the rebuilding of trust in the electoral process.

2.2 Theoretical Framework

The theoretical lens for this study is drawn primarily from Robert Michels' Iron Law of Oligarchy, as well as the concept of Democratic Consolidation Theory. These frameworks help to explain the behaviour of elite-controlled institutions in fragile democracies like Nigeria.

Robert Michels' theory of the Iron Law of Oligarchy asserts that all complex organizations—regardless of their democratic intent or structure—eventually succumb to oligarchic rule, whereby a small group of elites consolidate and monopolize power (Darcy, 2017). This theoretical lens is particularly instructive when examining the roles of INEC and the judiciary in Nigeria's democratic process. While these institutions were constitutionally established to serve as impartial arbiters and protectors of democratic norms, in practice, they often reflect the very oligarchic patterns Michels warned against. Over time, both INEC and the judiciary have demonstrated behaviors that align with elite dominance—manifested in the selective enforcement of electoral laws, biased interpretation of statutes, and tacit complicity in legitimizing controversial electoral outcomes. For example, INEC's failure to consistently sanction political parties for clear violations of the Electoral Act, or the judiciary's tendency to deliver rulings that appear to favor incumbent regimes or dominant parties, are symptomatic of institutional capture. These actions reflect not mere administrative lapses, but deeper systemic issues rooted in the elite manipulation of public institutions. The Iron Law thus helps explain how ostensibly democratic institutions can be transformed into instruments for elite entrenchment and political continuity. By centralizing power, obscuring transparency, and undermining public trust, such institutions inadvertently become barriers to democratic consolidation rather than facilitators of it. This oligarchic drift within key democratic institutions in Nigeria highlights the urgent need for structural reforms and greater accountability mechanisms to resist elite capture and restore institutional credibility.

The Democratic Consolidation Theory provides a framework for understanding how emerging democracies evolve from holding periodic elections to embedding lasting democratic norms, values, and institutional practices. According to this theory, a democracy is considered truly consolidated when it becomes the "only game in town," meaning that all significant political actors—both state and non-state—accept democratic rules, procedures, and institutions as the sole legitimate means of attaining and exercising political power (Adeosun, 2014; Agbaje & Adejumobi, 2016). This state of democratic maturity entails a high degree of institutional stability, the rule of law, credible elections, active civic participation, and a judiciary that is both independent and impartial. However, in Nigeria, this ideal remains elusive. Despite over two decades of civilian rule and the institutionalization of electoral routines, the country's progress toward democratic consolidation has been undermined by persistently fragile institutions—especially within the electoral and judicial domains. INEC, which is meant to regulate political competition impartially, and the judiciary, which should serve as a neutral arbiter of disputes, have often been embroiled in controversies that question their autonomy and fairness. Rather than advancing democratic culture, these institutions frequently enable undemocratic practices through collusion, selective enforcement of laws, and inconsistent judgments that appear politically motivated. As such, democratic backsliding persists despite the formal trappings of democratic governance. Electoral malpractice, elite domination, and judicial compromise have all emerged as structural barriers that frustrate the entrenchment of democratic values in Nigeria (Ismaila & Othman, 2015; Yusuf, 2015). Consequently, Nigeria's democracy remains procedural but shallow, lacking the substantive depth that defines genuine democratic consolidation.

2.3 Interconnection Between Concepts and Theory

The intersection of the conceptual and theoretical frameworks reveals a crucial pattern: institutional failure as a catalyst for democratic fragility in Nigeria. INEC and the judiciary, though constitutionally empowered to safeguard electoral integrity and enforce the rule of law, have repeatedly fallen short of these mandates. Their roles in undermining democratic values are evident in the frequent allegations of biased rulings, compromised election logistics, and tacit complicity in electoral manipulation (Nwoba & Nwose, 2019; Okoye, 2013). INEC's inability to guarantee uniformity and transparency in the electoral process, coupled with the judiciary's inconsistent and often controversial adjudications, reflects a systemic institutional weakness. Rather than protecting democratic tenets, these institutions have facilitated the erosion of public trust and enabled the entrenchment of political elites (Adeosun, 2014; Ukpong & Mfon, 2023). This trend of institutional complicity points to a deeper structural issue—one where democratic form is preserved, but democratic substance is absent.

Robert Michels' Iron Law of Oligarchy and the Democratic Consolidation Theory together offer a compelling explanatory lens for this phenomenon. The Iron Law of Oligarchy posits that even democratically established institutions tend to be captured by elites who use them to maintain control and suppress dissent (Darcy, 2017). In Nigeria, INEC's selective enforcement of electoral guidelines and the judiciary's politicized decisions illustrate how institutional independence is often a facade masking elite dominance (Ismaila & Zaheruddin, 2016; Adewole, 2019). Meanwhile, Democratic Consolidation Theory highlights that true democratic maturity is achieved only when institutions and actors internalize democratic norms as the sole legitimate basis of governance (Agbaje & Adejumobi, 2016; Yusuf, 2015).

However, Nigeria's democracy remains fragile, largely due to institutional unreliability and elite manipulation. Electoral malpractice, legal ambiguity, and political interference have prevented the consolidation of democracy, despite regular elections (Ismaila & Othman, 2015). These theories, in tandem, expose the disconnect between procedural democracy and genuine democratic governance, illustrating how the performance of democratic rituals in Nigeria's Fourth Republic often masks deep-rooted institutional decay and elite entrenchment.

3. Methodology

This study adopts a qualitative research design, grounded in documentary analysis and descriptive interpretivism, to critically examine how the Independent National Electoral Commission (INEC) and the judiciary contribute to the persistence of electoral dysfunction in Nigeria. The qualitative approach is particularly suitable for this inquiry because it enables an in-depth exploration of institutional behaviors, legal frameworks, and power relations that underpin Nigeria's electoral processes. Rather than focusing on statistical generalizations, the study aims to generate a context-rich understanding of the patterns, motivations, and consequences of electoral malpractice and institutional failure, particularly as they relate to the roles of INEC and the judiciary.

The primary sources of data for this research include constitutional provisions, electoral laws, court judgments, official reports of INEC, and election observation reports from credible local and international organizations. In particular, key texts such as the 1999 Constitution of the Federal Republic of Nigeria (as amended), the Electoral Act 2022, and landmark electoral cases adjudicated by election tribunals and appellate courts were systematically reviewed to identify patterns of legal interpretation and institutional behavior. Secondary sources include scholarly journal articles, books, newspaper articles, and reports authored by civil society organizations, human rights groups, and political analysts, such as those by Okoye (2013), Adeosun (2014), Nwoba & Nwose (2019), and Ukpong & Mfon (2023), which provide rich analytical perspectives on electoral governance in Nigeria.

The data were analyzed using thematic content analysis, whereby textual data were coded and categorized into major themes such as institutional autonomy, electoral manipulation, judicial impartiality, elite capture, and democratic legitimacy. This method allows the researcher to trace recurring patterns across different election cycles and judicial interventions. For instance, the recurrence of inconsistent judicial decisions and the frequent late arrival or failure of INEC's electoral technology were evaluated within the broader framework of electoral integrity and institutional trustworthiness. Each theme was examined against the conceptual frameworks—particularly Robert Michels' Iron Law of Oligarchy and the Democratic Consolidation Theory—to interpret how institutional behaviors align with theoretical expectations.

The choice of this methodological approach is justified by the complex, multi-layered nature of Nigeria's electoral problems. Given the high degree of political influence, institutional opacity, and the intertwining of law and politics, purely quantitative approaches would fail to capture the nuanced interplay between actors, laws, and institutions. A qualitative framework, therefore, offers the necessary flexibility to interpret meanings, intentions, and consequences that lie beneath formal processes and legal provisions. This interpretive stance is vital for identifying not just what institutional actors do, but how and why they do it—and how these

actions affect democratic consolidation in Nigeria. Ethical considerations were adhered to by ensuring that all secondary data sources used were publicly available and properly referenced.

5. INEC and Electoral Administration in Nigeria

The Independent National Electoral Commission (INEC) was established under Section 153(f) of the 1999 Constitution of the Federal Republic of Nigeria and is further empowered by the Electoral Act. It is mandated to organize, undertake, and supervise all elections to the offices of the President, Vice President, Governors, Deputy Governors, and members of the National and State Assemblies. Since the return to democratic rule in 1999, INEC has been central to Nigeria's electoral journey—ostensibly functioning as the custodian of electoral integrity and democratic development. However, despite more than two decades of democratic practice, INEC's effectiveness in fulfilling its constitutional mandate remains a subject of widespread debate. Scholars such as Nwoba and Nwose (2019) and Ismaila and Zaheruddin (2016) have noted that while INEC's legal framework grants it operational autonomy, in practice, its performance has often been marred by operational failures and allegations of bias and partisanship. Between 1999 and 2023, INEC has overseen seven general elections and numerous off-cycle and by-elections. Each electoral cycle has brought with it heightened expectations for reform and credibility. Nevertheless, INEC's record has been uneven, often oscillating between modest improvements and systemic breakdowns. The commission has introduced innovations such as the Smart Card Reader (SCR), the Bimodal Voter Accreditation System (BVAS), and the INEC Result Viewing (IReV) portal to enhance transparency. Despite these reforms, INEC has continued to face accusations of complicity in election rigging, selective enforcement of electoral laws, and institutional capture by powerful political elites (Ukpong & Mfon, 2023; Adeosun, 2014).

INEC's institutional weaknesses have consistently undermined its capacity to conduct credible elections. One of the most pressing challenges is inadequate and untimely funding. The commission often receives budgetary allocations late, leading to logistical failures and rushed preparations. According to Ismaila and Zaheruddin (2016), the timing and size of financial releases from the executive arm compromise the commission's autonomy and planning effectiveness. Elections in Nigeria are costly and complex undertakings, and delays in funding often translate into operational breakdowns, poor training of ad hoc staff, and late arrival of electoral materials. The question of INEC's independence is another perennial concern. Although the constitution envisions the commission as autonomous, in reality, its leadership is appointed by the President and confirmed by the Senate, both of which are often dominated by the ruling party. This arrangement raises legitimate concerns about neutrality and perceived bias. Scholars like Nwoba and Nwose (2019) have argued that the appointment process makes INEC susceptible to political pressure, especially in contentious electoral environments. Moreover, voter registration and delineation of constituencies have remained problematic. Cases of under-registration, multiple registrations, and delays in the issuance of Permanent Voter Cards (PVCs) have led to disenfranchisement, particularly among youth and marginalized groups (Olawole et al., 2013).

Logistical coordination is another major area of institutional weakness. From voter education and training of poll workers to transportation of sensitive materials and setup of polling stations, INEC has often failed to meet expected standards. These logistical lapses were especially glaring in certain elections, including the 2019 and 2023 general polls, where

widespread delays and last-minute postponements created confusion and undermined public trust in the process (Amaramiro et al., 2019). Several election cycles have spotlighted INEC's administrative inadequacies. The 2007 general elections, widely described as the worst in Nigeria's democratic history, were characterized by massive fraud, ballot box stuffing, intimidation of voters, and outright fabrication of results. Even international observers such as the European Union Election Observation Mission condemned the polls as lacking basic democratic standards. The head of INEC at the time, Maurice Iwu, was accused of openly colluding with the ruling party, and the Supreme Court later admitted the polls were flawed but maintained that the irregularities were not substantial enough to annul the presidential outcome—a controversial stance that weakened judicial credibility as well (Okoye, 2013).

In 2019, INEC introduced the Smart Card Reader and other technologies intended to reduce fraud. While the innovations were commendable in theory, their implementation was inconsistent. In many polling units, card readers malfunctioned, and in several instances, manual accreditation was permitted—opening the door to manipulation. There were also logistical failures, including the abrupt postponement of the election just hours before polls were to open. This not only caused voter apathy but also allowed time for the alleged recalibration of election strategies by political actors (Ukpong & Mfon, 2023). The 2023 elections were perhaps the most anticipated in Nigeria's recent political history due to the high stakes, widespread youth participation, and deployment of BVAS and the IReV portal for real-time results transmission. However, what was billed as a technological breakthrough quickly turned into a credibility crisis. INEC's failure to upload results promptly to its portal, combined with discrepancies between physical results and electronically transmitted figures, led to widespread allegations of result tampering. Critics argued that these irregularities significantly favored the ruling party, casting doubts on the credibility of the entire electoral process. Observers from the EU, ECOWAS, and domestic NGOs noted these lapses and concluded that the elections did not meet the minimum standards of fairness and transparency expected in a democratic society

6. The Judiciary and Electoral Justice

The judiciary plays a constitutionally enshrined role in safeguarding electoral justice in Nigeria. Its primary function in the electoral process is to adjudicate disputes arising from the conduct of elections, ranging from pre-election matters (such as candidate nomination controversies) to post-election petitions challenging the credibility or legality of electoral outcomes. Electoral tribunals and appellate courts, especially the Court of Appeal and the Supreme Court, are the key institutions tasked with resolving these disputes in a manner that upholds the rule of law and restores public confidence in the electoral system. In principle, judicial intervention serves as a check on the electoral commission and political actors by ensuring that electoral malpractices, constitutional breaches, and violations of the Electoral Act are addressed through legal redress. According to Okoye (2013), the judiciary is meant to be the last hope of the common man, particularly in a polarized and often volatile electoral environment like Nigeria's. Judicial intervention has expanded over time, particularly as electoral contests become more competitive and contentious. As a result, virtually every election cycle witnesses a spike in litigation. While this reflects citizens' willingness to seek justice through institutional means, it also places enormous pressure on the judiciary to deliver timely and credible judgments. However, the expanding scope of judicial involvement has sparked debate about the extent to which courts should determine electoral outcomes, especially when legal technicalities rather than substantive votes become the basis for

declaring winners. This concern is compounded by public perceptions that judicial decisions often do not align with democratic values or popular will. Instead of merely interpreting laws and adjudicating clear violations, the judiciary is increasingly seen as playing an active—sometimes partisan—role in shaping political leadership.

Despite its critical mandate, the judiciary in Nigeria has been mired in controversies involving inconsistency in judgments, allegations of partisanship, and political manipulation. One of the most serious challenges is the inconsistency in the application of legal principles. Identical cases, or those involving similar facts, are often decided differently by courts depending on the political parties or regions involved. Such judicial incoherence erodes the predictability of the legal system, undermines public trust, and opens the door for forum shopping—where litigants seek out sympathetic courts rather than rely on the rule of law (Adewole, 2019). These inconsistencies can be attributed to weak judicial ethics, lack of adherence to precedent, and in some cases, external political pressures. Allegations of bias and corruption are equally damaging. Numerous reports suggest that judicial officers—particularly those serving on election tribunals—are sometimes compromised through bribery, threats, or political patronage. The appointment process for judges and tribunal members, often dominated by political actors, further complicates the issue. As noted by Yusuf (2015), when judges are perceived as instruments of political compromise rather than impartial arbiters, the judiciary loses its legitimacy. Political interference, either through ex parte communication or pressure from powerful stakeholders, distorts judicial independence and turns courts into enablers of electoral manipulation. This interference becomes especially dangerous in a context where electoral legitimacy is already fragile, and where court decisions effectively determine who governs, regardless of what transpired at the polls.

Several landmark judgments have underscored both the power and the peril of judicial intervention in Nigeria's electoral process. One of the most controversial was the 2020 Supreme Court ruling in the Imo State gubernatorial election. The court overturned the Independent National Electoral Commission's (INEC) declared result, which had placed Emeka Ihedioha of the Peoples Democratic Party (PDP) as the winner, and instead installed Hope Uzodinma of the All Progressives Congress (APC)—a candidate who initially placed fourth. The judgment was based on votes from previously excluded polling units, but it sparked outrage among legal scholars and the general public alike. Critics argued that the decision violated basic democratic principles and demonstrated judicial overreach. The ruling not only altered the political landscape in Imo State but also intensified skepticism about the judiciary's role as an impartial referee (Ukpong & Mfon, 2023). Another prominent case was the Osun State governorship election of 2018, where initial results declared Ademola Adeleke of the PDP as the winner. However, INEC called a rerun in select polling units due to alleged irregularities, ultimately reversing the outcome in favor of Gboyega Oyetola of the APC. The matter escalated to the Supreme Court, which upheld the rerun results. Legal analysts and observers criticized the court for legitimizing what they saw as a flawed process that disenfranchised voters. In 2022, Adeleke returned to contest again and won, only for the tribunal to nullify his election—before the Supreme Court later reinstated him, reigniting debates about judicial consistency and political neutrality (Adewole, 2019). Similarly, the 2019 Zamfara State elections revealed the judiciary's enormous influence on political outcomes. Here, the Supreme Court nullified the APC's electoral victories across all positions due to the party's failure to conduct valid primaries. As a result, the PDP—previously the runner-up—was declared winner in all affected contests. While the ruling was hailed by some as a strict enforcement of internal party democracy and legal standards, others criticized it for

awarding electoral victories to candidates who may not have secured a majority of votes. These cases demonstrate that while the judiciary is essential to electoral justice, its growing influence has come with unintended consequences—often replacing the will of the people with the weight of legal interpretation.

7. Interplay Between INEC, Judiciary, and Electoral Malpractice

The relationship between the Independent National Electoral Commission (INEC), the judiciary, and the phenomenon of electoral malpractice in Nigeria is complex, deeply intertwined, and central to understanding the country's democratic challenges. Ideally, both INEC and the judiciary are designed to serve as independent, complementary institutions that protect the sanctity of the electoral process—INEC by organizing free and fair elections, and the judiciary by impartially resolving disputes. However, in practice, these institutions have often functioned in ways that either enable or fail to prevent electoral illegitimacy. INEC's operational deficiencies—ranging from logistical failures and inconsistent application of electoral guidelines to complicity in vote manipulation—frequently lay the foundation for disputed outcomes. The judiciary, rather than acting as a corrective force, has in many instances reinforced these failures through questionable judgments or overt deference to political interests. This interplay between administrative lapses and judicial complicity creates a self-reinforcing cycle of electoral malpractice and eroded legitimacy (Okoye, 2013; Adewole, 2019).

Numerous cases from Nigeria's electoral history highlight how the symbiotic failure of both institutions undermines democratic integrity. For instance, during the 2007 general elections, widely regarded as one of the most fraudulent in the country's history, INEC's lack of preparedness, ballot shortages, voter intimidation, and result manipulation were evident nationwide. Despite these infractions, the judiciary upheld many of the contested results, citing procedural technicalities over substantive justice. Similarly, in the 2019 elections, particularly in states like Rivers, Kano, and Zamfara, INEC was accused of selective enforcement of guidelines, delayed collation of results, and unclear voter register management. Yet, when the disputes reached the courts, many rulings failed to address these structural flaws, instead focusing narrowly on procedural errors, thereby legitimizing questionable mandates (Adewole, 2019). In the 2020 Imo State gubernatorial case, the Supreme Court's decision to declare a candidate who originally placed fourth as governor not only cast doubt on the integrity of INEC's collation process but also fueled public suspicion about judicial neutrality. This institutional synergy in electoral failure has profound implications for democratic consolidation in Nigeria. According to the Democratic Consolidation Theory, democracy becomes sustainable when institutions consistently uphold democratic norms and when political actors accept the legitimacy of these institutions' decisions (Agbaje & Adejumobi, 2016). However, when both INEC and the judiciary are perceived as partisan, incompetent, or corrupt, citizens lose faith in the democratic process. This erosion of trust encourages voter apathy, normalizes electoral violence, and legitimizes authoritarian tendencies under the guise of constitutionalism. Rather than serving as mechanisms for conflict resolution, elections and court decisions become sources of conflict themselves. The net effect is a democracy that is procedural in form but hollow in substance—where elections occur regularly but fail to reflect the will of the people or uphold the rule of law. In such an environment, electoral legitimacy becomes a contested terrain, not because of the lack of electoral laws, but because of the failure of institutions entrusted with their implementation and adjudication.

In conclusion, the interplay between INEC, the judiciary, and electoral malpractice reveals the structural weaknesses that plague Nigeria's democratic experiment. Unless these institutions are reformed to function transparently, independently, and accountably, Nigeria's democratic consolidation will remain stunted. Media reports, civil society accounts, and academic analyses (e.g., Okoye, 2013; Adewole, 2019) converge on one message: that institutional credibility, not merely legal frameworks, is the cornerstone of genuine democracy.

8. Discussion

The findings presented in the preceding sections resonate strongly with existing scholarly critiques that question the roles of institutional actors—particularly INEC and the judiciary—in Nigeria's persistent electoral crises. Scholars such as Agbaje and Adejumobi (2016) and Ismaila and Othman (2015) have emphasized that the mere conduct of periodic elections does not equate to democratic consolidation. What is crucial is the quality of the process and the reliability of the institutions that manage it. This study corroborates their conclusions, revealing that INEC and the judiciary, far from being neutral arbiters and facilitators of democracy, have increasingly become complicit in electoral irregularities. INEC's shortcomings—logistical failures, questionable result declarations, and uneven enforcement of guidelines—frequently initiate electoral disputes, while the judiciary's inconsistent, opaque, or politically biased rulings often reinforce these failures instead of correcting them. The analysis supports the argument that Nigeria's democratic deficit is less about the absence of legal or institutional frameworks and more about the failure of key democratic institutions to uphold integrity and impartiality. INEC, though constitutionally empowered to operate independently, has often bowed to political pressure through selective enforcement of rules, poor transparency, and controversial appointments influenced by the executive (Nwoba & Nwose, 2019). Meanwhile, the judiciary, tasked with adjudicating disputes in line with the law, has delivered decisions that defy legal logic and democratic norms, thereby eroding public confidence. The Supreme Court ruling in Imo State and other controversial judgments in Osun and Zamfara underscore a pattern of rulings that appear more politically expedient than legally sound (Adewole, 2019; Okoye, 2013).

The implications of this institutional failure are far-reaching. First, it undermines reform efforts. Electoral and judicial reforms cannot succeed if the institutions themselves resist change or operate in bad faith. Second, institutional distrust erodes civic engagement. When citizens believe that elections are rigged and court outcomes are predetermined, they are less likely to participate in the democratic process, leading to widespread voter apathy and disenfranchisement. Lastly, the survival of democracy itself is jeopardized. In a context where elections no longer reflect the will of the people, and where judicial recourse is unreliable, the door is left open for authoritarian tendencies to thrive under the guise of democratic rule. These developments not only delegitimize elected officials but also foster instability and weaken the social contract. Consequently, reform must go beyond mere legal amendments to include deep institutional restructuring and cultural reorientation. For INEC, this may involve ensuring genuine financial and operational independence, strengthening internal accountability, and depoliticizing appointments. For the judiciary, reform should focus on judicial training, transparency in appointments, and mechanisms to ensure accountability without compromising independence. Civil society, the media, and international partners also have a role to play in demanding institutional performance and

exposing lapses. As Agbaje and Adejumobi (2016) argue, democracy can only take root where institutions are credible, consistent, and responsive to the aspirations of the people.

In sum, this study reveals a troubling paradox: the very institutions designed to protect democratic values in Nigeria have become instruments of electoral distortion. Unless these institutions are fundamentally reformed and insulated from political manipulation, democratic consolidation in Nigeria will remain an elusive ideal, and elections will continue to function more as rituals of legitimacy than genuine expressions of popular sovereignty.

9. Conclusion and Recommendations

This paper has critically examined the role of two pivotal institutions—INEC and the judiciary—in shaping the trajectory of electoral integrity in Nigeria. Drawing on theoretical insights from the Iron Law of Oligarchy and the Democratic Consolidation Theory, as well as empirical analyses of past electoral cycles, it has been shown that both institutions have not only failed in their constitutional duties but have also actively contributed to Nigeria's electoral dysfunction. While INEC is vested with the responsibility of organizing credible elections, its frequent logistical failures, allegations of partiality, and susceptibility to executive influence have made it a flashpoint of electoral controversies. Similarly, the judiciary, which should act as a neutral arbiter, has been marred by allegations of political bias, inconsistent rulings, and decisions that seem to validate electoral malpractice rather than penalize it. The implication is clear: Nigeria's democracy is being undermined from within by the very institutions tasked with safeguarding it. The repeated failures of INEC and the judiciary have deepened public mistrust, undermined the credibility of electoral outcomes, and created a fertile ground for political instability. These institutional weaknesses do not merely reflect operational challenges; they signify a broader crisis of democratic governance in which the rule of law is supplanted by elite capture and political expediency. Without urgent and comprehensive reforms, Nigeria risks sliding further into a cycle of pseudo-democracy—where elections occur regularly but fail to embody the true essence of democratic participation and accountability.

To reverse this dangerous trend, the following policy recommendations are proposed. First, electoral justice reform must be prioritized. The legal framework governing elections should be reviewed to ensure stricter sanctions for electoral offenses, including those committed by INEC officials and judicial actors. Second, INEC must be granted genuine independence—not only in law but also in practice. This involves insulating it from executive influence by reforming the appointment process of its top officials and guaranteeing financial autonomy. Third, judicial accountability mechanisms must be strengthened. While judicial independence is critical, it must be balanced with transparency and oversight. Judges who compromise the integrity of the bench must face consequences through a reinvigorated National Judicial Council and civil society vigilance. In addition to these immediate policy steps, this study suggests that further research should be conducted in several areas. For instance, a comparative study of electoral management bodies in other African democracies could offer insights into best practices that could be adopted in Nigeria. Similarly, empirical investigations into public perceptions of judicial decisions in electoral matters could provide valuable data for reform advocacy. Finally, there is a need to explore the role of emerging technologies, such as blockchain and AI, in enhancing electoral transparency and judicial review processes.

In conclusion, salvaging Nigeria's democracy requires more than periodic elections—it demands a systemic overhaul of the institutions that govern the electoral process. If INEC and the judiciary continue on their current trajectory, the dream of a truly democratic Nigeria may remain permanently deferred.

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